

U.S. Department of Justice

United States Attorney
Southern District of New York



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The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

October 29, 2020

BY ECF

The Honorable Colleen McMahon
Chief United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl St.
New York, NY 10007

10/30/2020
So Ordered
Colleen McMahon

Re: United States v. Brown, 15 Cr. 623 (CM)

Dear Judge McMahon:

MEMO ENDORSED

The Government respectfully submits this letter to request that the Court amend the judgment, entered today, revoking the defendant's supervised release and sentencing the defendant to time-served with a new three-year term of supervised release to follow. Specifically, the Government requests that the new term of supervision be reduced to twenty-six months (two years and two months) to be consistent with 18 U.S.C. § 3583(h). The Government apologizes for belatedly recognizing the issue. The defense joins in this application. ✓

Following today's conference, the Government was reminded by Probation that, under 18 U.S.C. § 3583(h), a term of supervision that follows the revocation of a prior term of supervision must not exceed the length of supervision authorized for the underlying conviction, and that such new term must be reduced by any term of imprisonment imposed by the Court for the revocation. The defendant was convicted under 18 U.S.C. § 922(g)(1), for which the maximum term of supervised release is three years. See 18 U.S.C. § 3583(b) (setting forth maximum terms of supervised release for classes of felonies), 3559(a) (classifying federal felonies). The Court's sentence included a term of imprisonment of time-served, taking into account the approximately eight months that the defendant was in custody prior to his release in April 2020.¹ Thus, the new term of supervision cannot be greater than three years reduced by approximately eight months.

¹ The defendant was in custody from in or about August 23, 2019, when he was arrested, (Doc. No. 24), to in or about April 9, 2020, when the Court ordered him released (Doc. No. 43).

The parties have conferred and agree that a new term of supervision of twenty-six months (two years and two months) would be consistent with 18 U.S.C. § 3583(h).

The Government respectfully requests that the Court enter an amended judgment and again apologizes for the oversight.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York

by: /s/ Jun Xiang
Jun Xiang
Assistant United States Attorney
(212) 637-2289

CC

Mark Gombiner, Esq. (By ECF)
Marisa Cabrera, Esq. (By ECF)
Lisa Faro, Probation Officer (By Email)
Cristina Vigliotti, Probation Officer (By Email)